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Attorneys for Defendants  
Hartford Life and Accident Insurance Company  
and Aviza Technology Health and Welfare Plan



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

MARK ROWELL,

Plaintiff,

v.

AVIZA TECHNOLOGY HEALTH  
AND WELFARE PLAN and  
HARTFORD LIFE AND  
ACCIDENT INSURANCE  
COMPANY,

Defendants.

Case No. 5:10-CV-05656-PSG

**STIPULATION TO CONTINUE  
RULE 52 MOTION BRIEFING AND  
HEARING; ~~PROPOSED~~ ORDER**

Hon. Paul S. Grewal

Plaintiff, Mark Rowell, and Defendants, Aviza Technology Health and Welfare Plan and Hartford Life and Accident Insurance Company (“Hartford”), by and through their respective attorneys of record, stipulate to the following:

WHEREAS, the Court heard a motion to compel discovery responses on October 18, 2011;

WHEREAS, the Court issued its ruling on the discovery motion on October 31, 2011. In that discovery order, the Court ruled that Hartford is to produce certain information by November 18, 2011;

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1 WHEREAS, Hartford's home office has apparently been closed this week  
2 due to weather conditions and outside counsel has not been able to have a  
3 meaningful discussion about the discovery order with his client, including as to  
4 whether it can even comply with the Court's order by November 18, 2011;

5 WHEREAS, the parties currently have opening briefs due on November 7,  
6 2011, opposition briefs due on November 21, 2011, and a hearing on the  
7 administrative record on December 12, 2011;

8 WHEREAS, the parties believe they will need additional time to respond to  
9 the Court's order regarding discovery before filing their briefs in this matter and  
10 that Plaintiff's counsel will be out of the country from December 19, 2011 through  
11 December 31, 2011;

12 WHEREFORE, the parties hereby stipulate and respectfully request an order  
13 from the Court continuing the Rule 52 Motion briefing schedule and hearing as  
14 follows:

15 Cross Opening Briefs on Rule 52 Motion: January 10, 2012

16 Cross Opposition Briefs on Rule 52 Motion: January 24, 2012

17 Hearing on Rule 52 Motion: February 7, 2012 at 9:30 a.m.

18 IT IS SO STIPULATED.

19  
20 Dated: November 3, 2011

The Law Office of Steven M. Chabre

21  
22 By: /s/ Steven M. Chabre

Steven M. Chabre

chabre66@yahoo.com

Attorneys for Plaintiff Mark Rowell

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1 Dated: November 3, 2011

Burke, Williams & Sorensen, LLP

2  
3 By: /s/ Michael B. Bernacchi

Michael B. Bernacchi

mbernacchi@bwsllaw.com

4 Attorneys for Defendants

5 Hartford Life and Accident Insurance

Company and Aviza Technology Health  
6 and Welfare Plan

7  
8 **ORDER**

9  
10 Upon consideration of the parties' stipulation, IT IS HEREBY ORDERED  
11 that the Rule 52 Motion briefing schedule and hearing dates are continued as  
12 follows:

13 Cross Opening Briefs on Rule 52 Motion: January 10, 2012

14 Cross Opposition Briefs on Rule 52 Motion: January 24, 2012

15 Hearing on Rule 52 Motion: February 35, 2012 at 9:20 a.m.

16 IT IS SO ORDERED.

17  
18 Dated: 33194233

Paul S. Grewal

Hon. Paul S. Grewal

United States Magistrate Judge